

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5, 9, 12-18, 20-21 and 24-39 are pending in the application, with 1, 12, 14-16, 27, 28 and 34 being the independent claims. Claims 1-5, 9, 12-18, 20, 21 and 24-27 have been withdrawn. Claims 6-8, 10, 11, 19 and 22-23 have been cancelled. Claims 28-39 have been added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Support for new claims 28-39 can be found throughout the specification and the originally filed claims. Support for new claims 1, 3, 4, 9 and 10 is found, for example, at page 17, lines 27-29. Support for new claims 2 and 8 is found at page 30, line 11. Support for new claims 5, 6, 11 and 12 is found at page 10, lines 23-27.

Objections to the Specification

The Office has objected to the specification at page 48, lines 35 and 37. OA at page 2. Applicants have amended the specification to change "IL-B" to "IL-1 β " and change "I" to "one" in the cited paragraph as requested by the Office. Accordingly, all grounds of objection to the specification have been addressed. Reconsideration and withdrawal of the objection are respectfully requested.

Objection to the Claims

The Office has objected to claim 6. OA at p. 3. Claim 6 has been canceled, thus rendering this objection moot. Accordingly, withdrawal of this objection is respectfully requested.

The Rejection Under 35 U.S.C. § 112, First Paragraph

The rejection of claims 10, 19, and 22-23 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification is such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention is respectfully traversed.

Claims 10, 19 and 22-23 have been cancelled rendering this rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

Applicants respectfully submit that this rejection does not pertain to the currently added claims for the following reasons. To show possession of a claimed invention, distinguishing identifying characteristics of the invention must be described. "The Guidelines for the Examination of Patent Applications Under the 35 U.S.C. 112, ¶ 1, "Written Description" Requirement," Federal Register, Vol. 66, No. 4, p. 1099-1111 at p. 1104, Friday, January 5, 2001 ("Written Description Guidelines").

New claim 28 recites a method for preventing diabetes in a subject at risk of developing diabetes or ameliorating the symptoms of diabetes in a subject having diabetes or at risk of developing diabetes, said method comprising administering to said subject a therapeutically effective amount of a protein comprising an amino acid sequence having at least 90% sequence identity to human galectin-3 (SEQ ID NO:4).

One of skill in the art at the time this application was filed would have reasonably concluded that the inventors were in possession of such a method as dictated by the Written Description Guidelines. For example, the specification states: "[i]n specific embodiments of this aspect of the invention, the therapeutic compound is a protective diabetes-mediating gene encodes gal-3 [galectin 3], and/or a post-translational

modification product of gal-3." Specification at page 33, lines 30-33. Moreover, specific dosages of the therapeutic compounds of the present invention, *e.g.*, galectin 3, are given. Specification at page 33, lines 32-34 ("[a] typical daily dosage of a therapeutic compound used alone might range from about 1 $\mu\text{g/kg}$ to up to 100 mg/kg of patient body weight or more per day, depending on the factors mentioned above, preferably about 10 $\mu\text{g/kg/day}$ to 50 mg/kg/day"). Therefore, distinguishing identifying characteristics of the invention were present in the specification, *i.e.*, the therapeutic method, the dosage and the sequence of the therapeutic compound. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 19 and 22-23 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. is respectfully traversed.

Claims 19 and 22-23 have been canceled, rendering this rejection moot. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

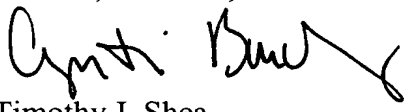
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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